

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PAUL BERGER,

Plaintiff,

v.

TARRAGON CORPORATION, WILLIAM S.
FRIEDMAN, ROBERT P. ROTHENBERG, and
ERIN D. PICKENS,

Defendants.
-----X

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 11/15/07

Case No. 07 Civ 8689 (PKC)

**STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING TIME TO
RESPOND TO COMPLAINT** *WCC*

IT IS HEREBY STIPULATED AND AGREED by and between the
undersigned attorneys for the respective parties as follows:

1. Upon the issuance of an order of the Court appointing a lead plaintiff (or lead plaintiffs) in the above-captioned action, the lead plaintiff(s) shall file and serve an amended consolidated complaint within forty-five (45) days of the entry of such order;
2. Defendants Tarragon Corporation, William S. Friedman, Robert P. Rothenberg, and Erin Davis Pickens (collectively, "Defendants") shall move, answer or otherwise respond to the amended consolidated complaint within forty-five (45) days after receipt of service of the above-mentioned amended consolidated complaint;
3. In the event that any of the Defendants file and serve a motion(s) directed at the amended consolidated complaint, the lead plaintiff(s) shall file and serve opposition papers to the Defendants' motion(s) within forty-five (45) days after receipt of service of such motion; and


4. In the event that the lead plaintiff(s) files and serves opposition papers to the Defendants' motion(s), the Defendants shall file and serve their reply papers within thirty (30) days after receipt of service of the lead plaintiff's opposition papers.

By executing this Stipulation, the parties have not waived and expressly retain all claims, defenses and arguments, whether procedural substantive or otherwise, and this Stipulation is without prejudice to any subsequent motion to stay this action. This Order is entered without prejudice to the rights of any party to apply for a modification of this Order for good cause.

STIPULATED AND AGREED:

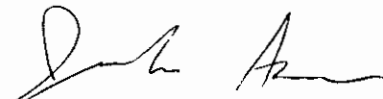

Dated: New York, New York
November 14, 2007

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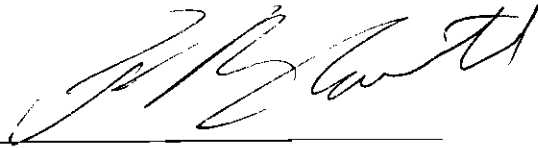
By:   *DM v/p*

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Attorneys for Plaintiff Paul Berger

SO ORDERED:


U.S.D.J.
11-15-07